

XX.....	2
TEXAS WORKFORCE COMMISSION .....	2
CHAPTER 801. LOCAL WORKFORCE DEVELOPMENT BOARDS .....	3
SUBCHAPTER A. GENERAL PROVISIONS .....	3
§801.1. <i>Requirements for Formation of Local Workforce Development Boards.</i> .....	3
§801.2. <i>Waivers.</i> .....	6
§801.3. <i>Requirements for Submission of Local Workforce Training and Services Plans, Modifications and Amendments.</i> .....	6
§801.11. <i>Board Member Nomination and Appointment.</i> .....	6
§801.12. <i>Board Member Vacancies.</i> .....	7
§801.13. <i>Board Member Conflicts of Interest.</i> .....	7
§801.16. <i>Partnership Agreement.</i> .....	7
§801.17. <i>Board Training and Services Plans, Modifications and Amendments.</i> .....	8
SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK .....	8
§801.21. <i>Scope and Purpose.</i> .....	8
§801.22. <i>Requirement to Maintain a One-Stop Service Delivery Network.</i> .....	9
§801.23. <i>Definitions.</i> .....	9
§801.24. <i>Texas Workforce Center Certification Levels. (Repealed)</i> .....	10
§801.24. <i>Workforce Solutions Office Certification.</i> .....	10
§801.25. <i>Texas Workforce Center Standards. (Repealed)</i> .....	11
§801.25. <i>Minimum Standards for Certified Workforce Solutions Offices.</i> .....	11
§801.26. <i>One-Stop Innovation Plan.</i> .....	12
§801.27. <i>Workforce Solutions Office Partners.</i> .....	12
§801.28. <i>Services Available through the One-Stop Service Delivery Network.</i> .....	13
§801.29. <i>Limitations on Delivery of Services.</i> .....	15
§801.31. <i>Priority for Workforce Services. (Repealed)</i> .....	15
§801.31. <i>Priority for Workforce Services.</i> .....	15
§801.33. <i>Advertising.</i> .....	16
SUBCHAPTER C. THE INTEGRITY OF THE TEXAS WORKFORCE SYSTEM .....	16
§801.51. <i>Purpose and General Provisions.</i> .....	16
§801.52. <i>Definitions.</i> .....	16
§801.53. <i>Prohibition Against Directly Delivering Services.</i> .....	16
§801.54. <i>Board Contracting Guidelines.</i> .....	16
§801.55. <i>Employment of Former Board Employees by Workforce Service Contractors.</i> .....	16
§801.56. <i>Enforcement.</i> .....	16

**XX.**

**TEXAS WORKFORCE COMMISSION**

The rules are adopted under Texas Labor Code §§301.0015 and 302.002(d), which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

# Chapter 801. LOCAL WORKFORCE DEVELOPMENT BOARDS

## SUBCHAPTER A. GENERAL PROVISIONS

### §801.1. Requirements for Formation of Local Workforce Development Boards.

- (a) Purpose of Rule.
  - (1) Upon application by the chief elected officials (CEOs) and approval of the Commission, the Commission shall forward an application to form a Local Workforce Development Board (Board) to the Governor.
  - (2) Before an application may be submitted to the Governor, all requirements of this section shall be met.
- (b) State Law. The formation of Boards is governed by the Workforce Investment Act, Texas Government Code, Chapter 2308.
- (c) Chief Elected Official Agreement. Creation of a Board requires agreement by at least three-fourths of the CEOs in the local workforce development area (workforce area) who represent units of general local government, including all of the CEOs who represent units of general local government having populations of at least 200,000. The elected officials agreeing to the creation of the Board shall represent at least 75 percent of the population of the workforce area.
- (d) Chief Elected Officials. The CEOs may, and are encouraged to, consult with local officials other than the ones delineated below. The following officials are designated as the CEOs for the purpose of establishing agreements to form Boards:
  - (1) Mayors.
    - (A) The mayor of each city with a population of at least 100,000;
    - (B) or, if there is no city with a population of greater than 100,000, the mayor of each city with a population greater than 50,000;
    - (C) or, if there are no cities with a population of greater than 50,000, the mayor of the largest city in the workforce area.
    - (D) For purposes of this section, municipal population will be determined by the figure last reported by the Texas State Data Center at the time of submission of the application to the Commission.
  - (2) All county judges included in a workforce area as designated by the Governor.
- (e) Time of Application. CEOs in a workforce area may not establish a Board until the Governor has designated that area as a workforce area as provided in the Workforce Investment Act, Texas Government Code, Chapter 2308.
- (f) Applications shall meet all Governor-approved criteria for the establishment of Boards.
- (g) Procedures for Formation of a Board. The CEOs shall comply with the following procedures to form a Board.
  - (1) Public process procedure. If three-fourths of the CEOs, as defined in subsection (d) of this section, agree to initiate procedures to establish a Board, they shall conduct a public process, including at least one public meeting, to consider the views of all affected organizations

before making a final decision to form a Board. This public process may include, but is not limited to, notices published in various media and surveys for public comment.

(2) Application procedure.

(A) The CEOs shall submit an application to the Commission. This application shall include evidence of the actions required by paragraph (1) of this subsection. As a part of the application, each CEO who is in agreement regarding the formation of a Board, shall execute the following documents:

(i) An interlocal agreement delineating:

(I) The purpose of the agreement;

(II) The process that will be used to select the CEO who will act on behalf of the other CEOs and the name of such CEO if the person has been selected;

(III) The procedure that will be followed to keep those CEOs informed regarding Board activities;

(IV) The initial size of the Board;

(V) How resources allocated to the workforce area will be shared among the parties to the agreement;

(VI) The process to be used to appoint the Board members, which shall be consistent with applicable federal and state laws; and

(VII) The terms of office of the members of the Board.

(ii) An acknowledgment in the following form: We, the chief elected officials of the \_\_\_\_\_ Workforce Development Area, acknowledge that the following are responsibilities and requirements pursuant to the formation of the Board:

(I) The Board will assume the responsibilities for the following committees and councils that will be replaced by the Board unless otherwise provided in Texas Government Code, Chapter 2308: private industry council, quality workforce planning committee, job service employer committee, and local general vocational program advisory committee;

(II) At least one Workforce Solutions Office shall be established within 180 days of Board certification;

(III) The Board shall have its own independent staff and not be a provider of workforce services, unless the Board secures a waiver of these provisions;

(IV) The CEOs shall enter into a partnership agreement with the Board to designate a grant recipient to receive, be accountable for, and be liable for any misuse of block grant funds;

(V) The partnership agreement shall also specify the entity that will administer the programs, which may be separate from the entity that receives the funds from the state;

(VI) The partnership agreement shall define the process through which the Boards and CEOs will develop the strategic and operational plans, including the training plan required under the Workforce Investment Act (WIA); and

- (VII) The strategic plan shall be reviewed by both the Commission and the Texas Workforce Investment Council (TWIC), and approved by the Governor before block grants will be available to the workforce area.
- (B) The application shall include evidence that any affected existing Board has been notified and agrees that its functions and responsibilities will be assumed by the proposed Board upon the proposed Board's final certification by the Governor.
- (C) The application shall include the names and affiliations of individuals recommended for Board membership, with documentation that CEOs followed the nomination process specified in applicable state and federal law, including Texas Government Code §2308.255 and §2308.256.
- (i) Private sector members shall be owners of business concerns, chief executives, chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility. To be eligible to represent the private sector, at least 51 percent of an individual's annual income shall be from private sector sources.
- (ii) Private sector membership should represent the composition of the local pool of employers. The private sector membership should include representatives of the region's larger employers and emerging growth industries. Primary consideration should be given to private sector employers who do not directly provide employment and workforce training services to the general public. CEOs shall develop a profile of the workforce area's major industries using locally obtained information and state-published data. The Agency shall provide relevant labor market information, including data that identifies employment trends, emerging high-growth, high-demand industries, the size of local employers, and other data needed to assist CEOs in developing the employer profile. Documentation submitted with the application shall show how the regional employer profile is reflected in the Board membership.
- (iii) Board membership shall include representatives of local organized labor organizations, community-based organizations, educational agencies, vocational rehabilitation agencies, public assistance agencies, economic development agencies, the public employment service, local literacy councils, and adult basic and continuing education organizations as required by law.
- (iv) Representatives of local organized labor organizations shall be nominated by local labor federations unless no employees in the workforce area are represented by such organizations, in which case nominations may be made by other representatives of employees. A labor federation is defined as an alliance of two or more organized labor unions for the purpose of mutual support and action.
- (v) Board nominees shall be actively engaged in the organization, enterprise, or field that they are nominated to represent. Board nominees shall have an existing relationship with the workforce area through residence or employment within the workforce area.
- (vi) At least one of the members of a Board appointed under Texas Government Code §2308.256(a) shall, in addition to the qualifications required for the members under that subsection, have expertise in child care or early childhood education.

- (vii) At least one of the members of a Board appointed under Texas Government Code §2308.256(a) shall, in addition to the qualifications required for the members under that subsection:
  - (I) be a veteran as defined in Texas Government Code §2308.251(2); and
  - (II) have an understanding of the needs of the local veterans' population and willingness to represent the interests and concerns of veterans.
- (D) No individual member shall be a representative of more than one sector or category described in this section, except as statutorily permitted for one or more members having:
  - (i) expertise in child care or early childhood education; or
  - (ii) the qualifications set forth in subparagraph (C)(vii) of this paragraph.
- (E) The application shall include documentary evidence substantiating compliance with the application procedure, including but not limited to, written agreements, minutes of public meetings, copies of correspondence, and such other documentation as may be appropriate.

*The provisions of this §801.1 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

## **§801.2. Waivers.**

*Repeal of the provisions of this §801.2 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

## **§801.3. Requirements for Submission of Local Workforce Training and Services Plans, Modifications and Amendments.**

*Repeal of the provisions of this §801.3 was adopted to be effective November 2, 2000, as published in the Texas Register, October 27, 2000, 25 TexReg 10762.*

## **§801.11. Board Member Nomination and Appointment.**

- (a) For each Board member nomination, the nominating organization shall submit to the CEOs of the workforce area a completed Board Nomination Slate in a form established by the Commission.
- (b) Documentation in the form of a curriculum vitae, resume, or work history supporting the qualifications of the nomination shall accompany the Board Nomination Slate.
- (c) Once nominations are submitted to and appointments are made by the CEOs, the Board Appointments form, in a format established by the Commission, and documentation shall be submitted to the Agency's Workforce Development Division. Only nominations submitted by the CEOs may be accepted by the Commission. The documentation submitted by the CEOs shall include the following:
  - (1) Board Nomination Slate for each appointment; and
  - (2) Board Appointments form, indicating the official beginning and expiration dates of all appointments.
- (d) Individuals shall be recommended for Board membership in accordance with §801.1(g)(2)(C) of this subchapter.
- (e) Board reappointments shall be processed under the provisions of this chapter.

*The provisions of this §801.11 adopted to be effective October 18, 2006, as published in the Texas Register, October 13, 2006, 31 TexReg 8563.*

### **§801.12. Board Member Vacancies.**

- (a) If a Board member vacancy occurs due to resignation, termination, or any other reason, the Board Chair shall provide notice to the CEOs of the workforce area and to the Commission within 20 calendar days of such event. Such notice shall include:
  - (1) the name of the Board member;
  - (2) the category represented; and
  - (3) the effective date of resignation, termination or other event causing the vacancy.
- (b) The original resignation letter or documentation of other official action must be maintained at the local Board level.
- (c) The CEOs shall fill a vacancy in a required category, in the same manner as the original appointment, within 90 calendar days from the effective date of the resignation, termination, or other event causing a vacancy. During the 90-day period, the Board will be able to act as a body and conduct business. Any action taken by the Board, with a vacancy in a required category, beyond such 90-day period shall be void.
- (d) If the CEOs fail to fill a vacancy in a required category within 90 calendar days of the effective date of the vacancy, and remain in noncompliance with this section beyond that time, the Commission may impose sanctions under Chapter 800, including the withholding of administrative funds from the Board until compliance is achieved. The Commission may recommend that the Governor decertify the Board.

*The provisions of this §801.12 adopted to be effective November 2, 2000, as published in the Texas Register, October 27, 2000, 25 TexReg 10756.*

### **§801.13. Board Member Conflicts of Interest.**

*Repeal of the provisions of this §801.13 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.16. Partnership Agreement.**

- (a) The CEOs in a workforce area shall enter into a Partnership Agreement with the Board as required by Texas Government Code §2308.253(g) and by §801.1(g)(2)(A)(i)(I) - (VII) of this subchapter.
- (b) The Partnership Agreement shall be signed by the current CEOs and the Board Chair.
- (c) Any amendment to a Partnership Agreement, change to a Board's organizational plan or bylaws, or notice of an election of a new CEO or Board Chair shall be submitted to the Agency within 15 calendar days of the adoption of such amendment, change, or election.
- (d) If a CEO or Board Chair is newly elected during the then-current, two-year program planning cycle, such newly elected individual shall submit to the Agency a written statement acknowledging that he or she:
  - (1) has read, understands, and will comply with the current Partnership Agreement; and
  - (2) reserves the option to request negotiations to amend the Partnership Agreement at any time during the official's tenure as CEO or Board Chair.

- (e) All Partnership Agreements and Board organizational plans or bylaws shall state that Board members will not be permitted to delegate any Board duties to proxies or alternates.

*The provisions of this §801.16 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.17. Board Training and Services Plans, Modifications and Amendments.**

- (a) Purpose of Rule.
  - (1) All workforce training and services plans and budgets developed by a Board pursuant to state and federal law shall be submitted to the Agency's Workforce Development Division for review.
  - (2) Before a plan and budget is forwarded by the Commission to TWIC for recommendation to the Governor for approval, all requirements of this section shall be met.
- (b) Standards for Submission. The Agency shall provide guidelines for strategic planning and budgeting to Boards. A local workforce training and services plan and budget shall be reviewed according to criteria established by the Agency.
- (c) Plan Modification or Amendment. An approved plan and budget may be changed by either modification or amendment. Either method of change shall be submitted to the Agency for review before implementation.
  - (1) A modification is a substantial revision of a plan and budget. The Agency shall provide criteria to Boards that define what constitutes a substantial revision. Each modification shall provide evidence that a majority of the CEOs of a workforce area or their designee or designees with signatory authority have approved the modification.
  - (2) An amendment is a minor adjustment to a plan and budget. The Agency shall provide criteria to Boards that define what constitutes a minor adjustment. An amendment does not require approval by a majority of the CEOs of a workforce area.

*The provisions of this §801.17 adopted to be effective October 18, 2006, as published in the Texas Register, October 13, 2006, 31 TexReg 8563.*

## **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK**

### **§801.21. Scope and Purpose.**

- (a) The purpose of this subchapter is to set forth the rules relating to the One-Stop Service Delivery Network as set forth in Texas Government Code, Chapter 2308; Texas Labor Code, Chapters 301 and 302; and WIA §121 (29 U.S.C.A. §2841). It is the intent of the Commission, in partnership with Boards, to facilitate the development and maintenance of the One-Stop Service Delivery Network such that information and services responsive to individual needs are available to all customers. The One-Stop Service Delivery Network shall be evaluated against established levels of certification as well as any additional standards developed by the Commission to ensure the continuous improvement of the system.
- (b) The rules contained in this subchapter shall apply, except that to the extent of any conflict, the provisions of Texas Government Code, Chapter 2308, and §802.21 of this title (relating to Board Contracting Guidelines) and §802.44 of this title (relating to Service Delivery Waiver Requests) shall govern.

*The provisions of this §801.21 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.22. Requirement to Maintain a One-Stop Service Delivery Network.**

Each Board shall maintain a One-Stop Service Delivery Network, consistent with WIA, state law, and this subchapter. The One-Stop Service Delivery Network shall include at least one Workforce Solutions Office providing the core services set forth in §801.28(a) of this subchapter.

*The provisions of this §801.22 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.23. Definitions.**

In addition to the definitions contained in §800.2 of this title, the following words or terms shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Eligible Foster Youth--An eligible foster youth is a:
  - (A) Current Foster Youth--A youth, age 14 or older, who is receiving substitute care services under the managing conservatorship of the Texas Department of Family and Protective Services (DFPS). This includes youth residing in private foster homes, group homes, residential treatment centers, juvenile correctional institutions, and relative care; or
  - (B) Former Foster Youth--A youth up to 23 years of age, who formerly was under the managing conservatorship of DFPS, until:
    - (i) the conservatorship was transferred by a court;
    - (ii) the youth was legally emancipated (i.e., the youth's minority status was removed by a court); or
    - (iii) the youth attained 18 years of age.
- (2) Eligible Veteran--An eligible veteran is one of the following:
  - (A) Federal/state qualified veteran--an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable as specified at 38 U.S.C. §101(2). Active service includes full-time duty in the National Guard or a Reserve component, other than full time for training purposes.
  - (B) Federal qualified spouse--the spouse of one of the following:
    - (i) Any veteran who died of a service-connected disability.
    - (ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to 37 U.S.C. §556 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days:
      - (I) Missing in action;
      - (II) Captured in line of duty by a hostile force; or
      - (III) Forcibly detained or interned in line of duty by a foreign government or power.

- (iii) Any veteran who has a total disability resulting from a service-connected disability as evaluated by the Department of Veterans Affairs.
  - (iv) Any veteran who died while a disability, as defined in clause (iii) of this subparagraph, was in existence.
- (C) State qualified spouse:
- (i) A spouse who meets the definition of federal qualified spouse; or
  - (ii) A spouse of any member of the armed forces who died while serving on active military, naval, or air service.
- (3) National Emergency--A condition declared by the President by virtue of powers previously vested in that office to authorize certain emergency actions to be undertaken in the national interest pursuant to 50 U.S.C. §1621.
- (4) Workforce Solutions Office--A local Workforce Solutions Office that provides one or more services, as set out in §801.25 of this subchapter, to aid employers and job seekers.

*The provisions of this §801.23 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

**§801.24. Texas Workforce Center Certification Levels. (Repealed)**

*Repeal of the provisions of this §801.24 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

**§801.24. Workforce Solutions Office Certification.**

- (a) All offices providing workforce services will be classified as Workforce Solutions Offices.
- (b) Boards shall ensure that at least one Workforce Solutions Office in the workforce area provides on-site access to all services set forth in §801.25 of this subchapter.
- (c) Certified Workforce Solutions Offices. As directed by the Commission, Boards shall provide certification to the Commission for every Workforce Solutions Office that provides on-site access to all services set forth in §801.25 of this subchapter.
- (d) Other Workforce Solutions Offices. As directed by the Commission, Boards shall notify the Commission of all on-site services available at any Workforce Solutions Office that does not provide on-site access to all services set forth in §801.25 of this subchapter.
- (e) Boards shall notify the Commission, when a change occurs, of the requirements set forth in subsections (c) and (d) of this section.
- (f) The Commission shall verify compliance with the requirements set forth in subsections (b) - (d) of this section through:
  - (1) issuance of Agency guidance;
  - (2) assurances set forth in Agency-Board agreements;
  - (3) annual monitoring reviews; and
  - (4) other means as identified by the Agency.

*The provisions of this §801.24 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

## **§801.25. Texas Workforce Center Standards. (Repealed)**

*Repeal of the provisions of this §801.25 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

## **§801.25. Minimum Standards for Certified Workforce Solutions Offices.**

- (a) Boards shall ensure that each Workforce Solutions Office:
  - (1) provides basic labor exchange services, including access to job orders for applicants, access to applicants for employers, and screening and referral methods for matching qualified applicants and job orders;
  - (2) provides services, as set forth in §801.28(a) of this subchapter, of the following programs: WIA adults, dislocated workers, and youth; Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T); Temporary Assistance for Needy Families (TANF) Choices; access to subsidized child care services; Wagner-Peyser Employment Service (ES); Trade Adjustment Assistance (TAA); and Project Reintegration of Offenders (Project RIO). Boards shall ensure that Workforce Solutions Offices' staff is available to provide these services during all Workforce Solutions Offices' operating hours;
  - (3) provides access to information and services available in the workforce area; and
  - (4) addresses the individual needs of employers and job seekers.
- (b) Boards shall ensure that the services provided by each Workforce Solutions Office, as set forth in Texas Government Code, Chapter 2308, include:
  - (1) labor market information, including:
    - (A) available job openings; and
    - (B) education and training opportunities;
  - (2) uniform eligibility requirements and application procedures for all workforce training and services;
  - (3) assistance to unemployment insurance (UI) claimants;
  - (4) independent assessment of individual needs and the development of an employment plan;
  - (5) centralized and continuous case management and counseling;
  - (6) individual referral for services, including basic education, classroom skills training, on-the-job training, and customized training;
  - (7) support services, including child care assistance, student loans, and other forms of financial assistance required to participate in and complete training; and
  - (8) job training and employment assistance for persons formerly sentenced to the Texas Department of Criminal Justice's institutional division or state jail division, provided in cooperation with Project RIO.
- (c) Boards shall ensure that each Workforce Solutions Office complies with the following Commission-established standards:
  - (1) Provides customer access to WorkInTexas.com; résumé preparation tools, including software; and Internet access;

- (2) Ensures eligible foster youth are given access to workforce services to help meet their employment, education, and training needs to transition to independent living, as set forth in Texas Family Code §264.121;
  - (3) Provides each customer with information on local high-growth, high-demand occupations and industries, projected wage level upon completion of training programs, and performance of training providers when requested;
  - (4) Ensures that Workforce Solutions Offices' staff is trained and knowledgeable in order to provide services to employers and job seekers;
  - (5) Demonstrates on-site management of all personnel, a plan for cross-training staff in all services, minimal programmatic specialization of staff, removal of redundancies within program activities, and maximum flexibility to optimize use of resources;
  - (6) Designs a customer-friendly waiting area and implements written procedures that define the steps taken to minimize customer wait time in the reception area and in other areas of Workforce Solutions Offices; and
  - (7) Provides consumer information on the quality of education and training providers and includes a mechanism for customer feedback on personal experience with such providers.
- (d) Boards must ensure that, if a Workforce Solutions Office does not provide all services and programs on-site as specified in subsections (b) and (c) of this section, electronic access to such services is provided, for example, by making access available through computer applications or by telephone conferencing.
  - (e) Boards must ensure that only Workforce Solutions Office partners provide developmental services, such as General Educational Development, English as a Second Language, or basic education skills.

*The provisions of this §801.25 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.26. One-Stop Innovation Plan.**

*Repeal of the provisions of this §801.26 was adopted to be effective October 18, 2006, as published in the Texas Register, October 13, 2006, 31 TexReg 8563.*

### **§801.27. Workforce Solutions Office Partners.**

- (a) Each Board shall maintain one or more memorandum of understanding that sets out the obligations of the Board and each partner in the operation of the One-Stop Service Delivery Network in the workforce area. Each Board shall obtain a general authorization from the CEOs for actions taken under this subsection.
- (b) Subject to the limitations referenced in §801.29 of this subchapter, relating to Limitations on Delivery of Services, the required Workforce Solutions Office Partners are the entities that administer the following services in the workforce areas:
  - (1) veterans' employment and training;
  - (2) Adult Basic Education;
  - (3) National Literacy Act;
  - (4) noncertificate, postsecondary career and technology training;
  - (5) Senior Community Service Employment Program;

- (6) Apprenticeship Training Program; and
  - (7) National and Community Service Act.
- (c) Other entities that provide services of benefit to workforce development, including federal, state, and local programs as well as programs in the private sector, may be voluntary partners in the One-Stop Service Delivery Network if the Board and CEOs agree on each entity's participation. The entities include, but are not limited to, those that provide:
- (1) vocational rehabilitation services (for example, the Texas Department of Assistive and Rehabilitative Services );
  - (2) Migrant and Seasonal Farmworker employment services;
  - (3) secondary and postsecondary vocational education and training activities;
  - (4) community services block grant programs;
  - (5) employment and training services provided through grantees of the U.S. Department of Housing and Urban Development;
  - (6) Job Corps services for youth; and
  - (7) Native American programs.

*The provisions of this §801.27 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

#### **§801.28. Services Available through the One-Stop Service Delivery Network.**

- (a) Core Services. All Workforce Solutions Offices shall provide access to core services, as defined in WIA §134(d)(2) (29 U.S.C.A. §2864 (d)(2)) and Texas Government Code, Chapter 2308, including:
- (1) outreach;
  - (2) intake, which may include reemployment services, and orientation to the information and services available through the One-Stop Service Delivery Network;
  - (3) determinations of individuals' eligibility for programs funded through the Commission that are available through the One-Stop Service Delivery Network;
  - (4) initial assessment of skill levels, aptitudes, abilities, and support service needs;
  - (5) job search and placement assistance and, where appropriate, career counseling;
  - (6) provision of performance information and program cost information on eligible providers of training services as described in §§841.31 - 841.47 of this title (relating to Training Provider Certification), provided by program, and eligible providers of youth activities described in WIA §123 (29 U.S.C.A. §2843), providers of adult education described in Title II of WIA, providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C.A. §2301 *et seq.*), and providers of vocational rehabilitation program activities described in Title I of the Rehabilitation Act of 1973 (29 U.S.C.A. §720 *et seq.*);
  - (7) provision of information regarding how the workforce area is performing on the local performance measures and any additional performance information with respect to the One-Stop Service Delivery Network in the workforce area;

- (8) provision of information regarding filing claims for UI;
  - (9) provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including job vacancy listings in such labor market areas, information on job skills necessary to obtain the jobs listed, and information related to local high-growth, high-demand jobs and the earnings and skill requirements for such jobs;
  - (10) provision of accurate information relating to the availability of support services, including child care and transportation, available in the workforce area, and referral to such services, as appropriate;
  - (11) assistance in establishing eligibility for Choices, SNAP E&T, and programs of financial aid assistance for training and education that are available in the workforce area; and
  - (12) follow-up services, including counseling regarding the workplace, for youth participants in WIA activities authorized under Chapter 841 of this title, relating to WIA, who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.
- (b) Intensive Services. A One-Stop Service Delivery Network shall provide access to services as described in the Texas Government Code, Chapter 2308, and intensive services as described in WIA §134(d)(3) (29 U.S.C.A. §2864(d)(3)), which may include the following:
- (1) comprehensive and specialized assessments of the skill levels and service needs of job seekers, such as diagnostic testing and use of other assessment tools, in-depth interviewing, and evaluation to identify employment barriers and employment goals;
  - (2) development of an employment plan and service strategy to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve employment goals and objectives;
  - (3) group counseling;
  - (4) individual counseling and career planning;
  - (5) centralized and continuous case management; and
  - (6) short-term, work readiness services, including learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.
- (c) Training Services. A One-Stop Service Delivery Network shall provide access to training services as described in WIA §134(d)(4) (29 U.S.C.A. §2864(d)(4)) and Texas Government Code, Chapter 2308. Training services may include the following:
- (1) high-growth, high-demand industry skills training, including training for nontraditional employment;
  - (2) on-the-job training;
  - (3) programs that combine workplace training with related instruction;
  - (4) training programs operated by the private sector;
  - (5) skills upgrading and retraining;
  - (6) entrepreneurial training;
  - (7) job readiness training;

- (8) referrals to Adult Basic Education and literacy activities in combination with services with activities described in paragraphs (1) - (7) of this subsection; and
  - (9) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training.
- (d) **Other Services and Activities.** A One-Stop Service Delivery Network shall offer access to all other permissible local employment and training activities included in the local workforce development plan, which may include discretionary one-stop activities, support services, and needs-related payments as set forth in WIA §134(e) (29 U.S.C.A. §2864(e)).

*The provisions of this §801.28 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.29. Limitations on Delivery of Services.**

Delivery of services under §801.28 of this title, relating to Services Available Through the One-Stop Service Delivery Network, is subject to state law requirements on Board organization and service delivery structure as found in Texas Government Code, Chapter 2308, and this chapter, as well as eligibility requirements and limitations of individual programs.

*The provisions of this §801.29 adopted to be effective October 18, 2006, as published in the Texas Register, October 13, 2006, 31 TexReg 8563.*

### **§801.31. Priority for Workforce Services. (Repealed)**

*Repeal of the provisions of this §801.31 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.31. Priority for Workforce Services.**

- (a) Boards shall ensure that eligible veterans, as defined in §801.23(2) of this subchapter, are identified at the initial point of entry into the workforce system and informed of the following:
  - (1) Their right to priority of service;
  - (2) The full array of employment, training, and placement services available under priority of service; and
  - (3) Any applicable eligibility requirements for those programs and services.
- (b) Boards shall ensure that eligible foster youth, as defined in §801.23(1) of this subchapter, are informed of the following:
  - (1) Their right to priority of service;
  - (2) The full array of employment, training, and placement services available under priority of service; and
  - (3) Any applicable eligibility requirements for those programs and services.
- (c) Boards shall ensure the following order of priority for workforce services is applied:
  - (1) Eligible veterans receive priority over all other equally qualified individuals in the receipt of services funded in whole or in part by the U.S. Department of Labor, in accordance with 38 U.S.C. §4215--except state qualified spouses, who meet the criterion in §801.23(2)(C)(ii) of this subchapter.

- (2) Eligible veterans receive priority over all other equally qualified individuals in the receipt of services funded in whole or in part by state funds in accordance with Texas Labor Code §302.152.
- (3) Eligible foster youth receive priority over all other equally qualified individuals--except eligible veterans as defined in this subchapter--in the receipt of federal or state-funded services in accordance with Texas Family Code §264.121(3).

*The provisions of this new §801.31 adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.33. Advertising.**

*Repeal of the provisions of this §801.33 was adopted to be effective November 20, 2007, as published in the Texas Register, November 16, 2007, 32 TexReg 8318.*

## **SUBCHAPTER C. THE INTEGRITY OF THE TEXAS WORKFORCE SYSTEM**

### **§801.51. Purpose and General Provisions.**

*Repeal of the provisions of this §801.51 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.52. Definitions.**

*Repeal of the provisions of this §801.52 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.53. Prohibition Against Directly Delivering Services.**

*Repeal of the provisions of this §801.53 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.54. Board Contracting Guidelines.**

*Repeal of the provisions of this §801.54 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.55. Employment of Former Board Employees by Workforce Service Contractors.**

*Repeal of the provisions of this §801.55 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*

### **§801.56. Enforcement.**

*Repeal of the provisions of this §801.56 was adopted to be effective February 7, 2011, as published in the Texas Register, February 4, 2011, 36 TexReg 599.*